DOCUMENT RESUME

ED 028 736 HE 000 830

Revised Report of the Committee on University Governance.
State Univ. of New York, Binghamton.
Pub Date Mar 69
Note-25p.
EDRS Price MF-$0.25 HC-$1.35
Descriptors-*Administrative Organization, *Governance, *Higher Education, Participant Involvement, Teacher Responsibility, *University Administration

The Committee on University Governance of the State University of New York at Binghamton was established to investigate the institution's system of governance and to recommend changes that were necessary for instituting a system of communal governance. The Committee was composed of elected representatives from 4 groups: undergraduate students, graduate students, faculty, and administration. The Committee's report, based on the concept that the university is a community, presents a new form of governance in which authority and responsibility in university decision-making are shared by students, faculty, and administration. Section I details the structure of college, graduate school, and university assemblies. Sections II to V cover educational policies, admissions, university personnel policy and procedures, and social regulations. Section VI recommends an integrated judicial system composed of 4 levels of boards, and specifies their respective areas of jurisdiction. Sections VII to IX discuss the rights and obligations of faculty, students, and administrators, amendment procedures for changing the overall structure of university governance, and implementation of the proposals in the report. If the system is approved, it would be implemented not later than September 1969, reviewed at the end of 3 years of operation, and again ratified by the 4 constituencies. (WM)

ED028736

Revised REPORT of the Committee on University Governance

March, 1969

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

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HE 000 830

State University of New York at Binghamton

REPORT OF THE

COMMITTEE ON UNIVERSITY GOVERNANCE

STATE UNIVERSITY OF NEW YORK AT BINGHAMTON

FEBRUARY 13, 1969

REVISED MARCH 14, 1969

I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow.

Judge Learned Hand,
In *The*
University and
Due Process, American
Council on Education, 1968, p. 8

**TO THE MEMBERS OF THE STUDENT BODY,
FACULTY AND ADMINISTRATION OF
STATE UNIVERSITY OF NEW YORK AT BINGHAMTON:**

We submit here the report of the Committee on University Governance.The report in detail is essentially an effort to state principles and guidelines. If accepted, it must be further particularized in by-laws and these must be accepted by several constituencies. Undoubtedly experience will dictate change and modification, and provision has been made for this process. Lastly, the whole must be reviewed at the end of three years of operation and again ratified by several constituencies.

This report recommends a new form of governance, new not only to this university but perhaps even to American academic institutions. Its basic concept is that the university is a community. The proposals we make are intended to institutionalize that philosophy. We do not imply that there are no differences among students, faculty, and administration. While recognizing these distinct interests we have sought to emphasize their common concern in the educational process by proposing a form of University Governance in which students, faculty, and administration will share in the authority and the responsibility for making the decisions that will lead this university along the path of greatness in the years ahead.

The Executive Committee of the
Committee on University Governance

Jeremy Benton
Josiah Newcomb
Emilio Roma
John Simpson (resigned March1, 1969)
James O'Rourke (designate March 1, 1969)

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Note: In this report, Section I details the structure of the University Assembly and of the Harpur College and Graduate School assemblies. The remaining sections of the report cover items which are not structurally parts of the assemblies, although the assemblies will be concerned with them.

The Membership of the Committee on University Governance

State University of New York at Binghamton
1968-69

For the undergraduate student body

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HISTORY

In May, 1968, a preparatory Commission was established to evolve a structure by which the active question of communal governance for the University could be explored. This Commission recommended the establishment of a Committee on University Governance composed of elected representatives of four constituencies of the University: the Undergraduate students, the Graduate students, the Faculty and the Administration. The Committee was given a broad charge to investigate the whole range of the existing system of governance and to recommend such changes as it saw fit. The Committee was composed of equal numbers of representatives of each of the four constituencies with equal vote. In October, 1968, the establishment of the committee was validated by the four constituencies with the proviso that its recommendations, to become effective, would require the approval by secret ballot of a majority vote of each of the constituencies.

During October and early November the Committee met three times to organize itself and to select and assign subcommittees to investigate specific aspects of university governance. Reports were heard and discussed during three meetings in late November and in the fore part of January, 1969. At 9 AM January 29th the Committee convened and remained in continuous session until 11 PM February 2nd. It reconvened for the late afternoon and evening of February 3rd, and met again in session on February 8th. After publication of the report of February 13, 1969, the constituencies reviewed it, formally and informally. Suggestions were made for revisions and clarifications. As a result, the Committee reconvened on March 3rd, and held further meetings on March 9th, 10th, and 12th to consider amendments. This revised version reflects the results.

To date the State University of New York at Binghamton as a University has been able to meet the difficulties inherent in rapid expansion, in the changing atmosphere of the contemporary campus, distrust among its several elements and a minimum resort to disorder and assertions of unreasoned authority. It is with the hope of strengthening and perpetuating this tradition that the Committee on University Governance, after judicious compromises on all sides, presents this proposal for governance of the academic community.

RECOMMENDATIONS CONCERNING UNIVERSITY GOVERNANCE

A. University Assembly

1. That there shall be a University Assembly as the major deliberative and legislative body of the University to deal with interscholastic and all-University matters. It shall consist of no fewer than 50 and no more than 100 members and be composed of Faculty-Students-Administration in a ratio of 5:3:2.

2. That the Administrative constituency be defined to include:

   a. All faculty administrators and other professional staff as defined by the *Policies of the Board of Trustees.*

   b. Persons who are formally assigned to more than one constituency and whose primary assignment is more than 60% administration.

   c. Persons who are formally assigned to more than one constituency, whose secondary assignment is at least 40% administration and who opt to stand for election with the administration constituency. However, for purposes of voting, their votes shall be split 1/2 Administration and 1/2 in the other constituency.

   d. The Presidents of the United Student Government and the Graduate Student Organization shall be *ex-officio* voting members who shall be counted as part of the administration represention, but they will

not serve as administration representatives on any committees.

e. Two of the administration representatives elected to the University Assembly shall be Masters of residential colleges. They shall be elected by the administration from a ballot of all the Masters. This election shall be held prior to the general administrative election, so that Masters who are not elected by this procedure are eligible to seek election to the University Assembly in the general administrative election.

3. That for purposes of voting for members of the University Assembly, graduate, undergraduate, and noncurricular students be represented for vote on the basis of full time equivalent students.

a. Graduate student representation will be further apportioned by department on a full time equivalent basis.

b. Undergraduate student representation will be apportioned in the following manner:

1. That there be as many at-large delegates to the University Assembly as is deemed necessary by the Undergraduate student body.

2. Additional representation will then be apportioned by academic schools. Representatives of each of the non-liberal arts schools will be chosen by student members of each school. There will be a minimum of one

representative from each school, representation to be on the basis of full time equilavent students.

3. For Harpur College, the representation will be in terms of the resident colleges. Students residing in these colleges but attending one of the non-liberal arts schools will be excluded from voting for these representatives. Each resident college will elect a pro rata share of the representatives. Representation for each resident college will be prorated on the basis of full time equivalent students in Harpur College. Off campus undergraduate students attending Harpur College will be given pro rata representation on a full time equivalent basis.

c. Non-curricular (Continuing Education) students will be represented at a rate established on a full-time equivalent basis.

4. Faculty representation in the University Assembly will be defined according to guidelines followed by the Faculty in selection of the Faculty Senate. Representation will also take into account that persons who are formally assigned to more than one constituency, when 40% or more of their assignment is in a secondary constituency, may elect the constituency to which they wish to associate themselves for purposes of eligibility to run for office. For purposes of voting for representatives, such persons will have one-half vote in each constituency.

5. The presiding officer of the University Assembly shall be the President of the University or his designee.

6. Standing Committees of the University Assembly

a. *Educational Policies Committee*

1. Responsibilities:

(a) The development of University-wide and inter-scholastic educational policy, including the review of adademic regulations and standards of schools and colleges.

(b) The review of proposals for new programs and schools.

(c) Administration of the University-wide Experimental Resources Fund.(See Section II)

2. Composition:

Six faculty, three students, and two administrators.

b. *University Admissions Committee*

1. Responsibilities:

To review and recommend approval of admissions standards and requirements for the various programs of the University.

2. Composition:

The ratio of three faculty, two students, and one administrator.

c. *Administrative Appointments Committee*

1. Responsibilities:

(a) This committee will be notified by the President of the University of all administrative vacancies and terminations and will, at its discretion, recommend that an appropriate committee be established by the assembly in consultation with the President of the University to advise the President on specific administrative appointments and terminations.

(b) The committee may, at its discretion, advise the President to create new administrative positions.

2. Composition:

The committee shall have equal representation from faculty, administration, graduate students, and undergraduate students.

d. *University Budget Review Committee*

1. Responsibilities:

(a) To discuss budget priorities with the administration throughout the evolution of the budget.

(b) To communicate priorities, general procedures and time tables to the constituencies and to express the concerns of the constituencies to the administration.

(c) To serve as an advisory committee on budget but not as a legislative committee.

(d) To encourage participation by students and faculty in the budget-making process at its earliest stages at the departmental level.

2. Composition:

Eight faculty members, two undergraduate students, two graduate students, and as many non-voting administrators as the President deems appropriate.

e. *Assembly Faculty Personnel Committee*

1. Responsibilities:

(a) To receive recommendations on faculty promotion, tenure, renewal or termination from departmental student personnel committees. (See Section V)

(b) To consider recommendations from the faculty and student personnel committees, hearing the views of the faculty, students, and administration either separately or, if all parties agree, together. If agreement cannot be reached, the Assembly Faculty Personnel Committee shall rise to an executive session to make the final decision.

(c) To forward each case with its decision to the President of the University for his implementation. If the President finds he cannot implement the decision of the Assembly Faculty Personnel Committee, he shall meet with the committee to review the case.

2. Composition:

This committee shall consist solely of members of the University faculty.

f. *Long-Range Planning Committee*

1. Responsibilities:

(a) To initate proposals that require long-range planning.

(b) To receive from the President proposals that require long-range planning.

(c) To recommend to the assembly that there be appointed, in consultation with the President, appropriate committees for conducting a thorough study of specific long-range problems and for submitting recommendations.

2. Composition:

The committee shall have equal representation from the faculty, the administration, the undergraduate students, and the graduate students.

g. *Other Committees*

There shall be established such other committees of the University Assembly as may be necessary.

B. College and School Assemblies

1. Harpur College and the Graduate School each shall have a deliberative and legislative assembly for dealing with its respective affairs.

2. Other schools and colleges will form other appropriate assemblies with the approval of the University Assembly.

3. In the case of jurisdictional conflict among the assemblies, the decision of the University Assembly will prevail.

4. The Harpur College Assembly will have a ratio of five faculty, three students and two administrators.

5. The Harpur College Assembly shall have an Educational Policies Committee which shall be responsible for recommending new courses, new curricula, academic requirements of Harpur College such as graduation requirements and residential requirements, and the administration of the Harpur College Experimental Resources Fund. (See Section II) The committee shall consist of six faculty members, three students, and two administrators.

6. The Harpur College Assembly shall have an Academic Standards Committee which shall be responsible for implementation of academic requirements and the formulation and implementation of academic regulations such as Pass-Fail, grading systems, and withdrawal from the University. The Committee shall be in the ratio of four faculty members, two students and two administrators.

7. The Graduate Assembly will include twenty percent of its membership from graduate students, in proportions according to disciplines, elected under the supervision of the Graduate Student Organization.

8. The Graduate School Assembly will have an Educational Policies Committee which will be responsible for new graduate courses and curricula and for general academic requirements for all graduate departments. This Committee will also administer the Graduate School Experimental Resources Fund. (See Section II) Representation on this faculty-student-administrative committee shall be determined by the Graduate School Assembly.

II RECOMMENDATIONS CONCERNING EDUCATIONAL POLICIES

A. That there be established pools of resources to support experimental programs that cannot be otherwise funded.

B. That the Educational Policies Committees of the schools and colleges be requested to work with the departments to insure student involvement in departmental academic matters.

III RECOMMENDATIONS CONCERNING ADMISSIONS

A. That there shall be admissions committees formed for all undergraduate units having assemblies, these committees to be composed of faculty, two students, and one administrator.

B. That the Graduate Assembly be instructed to review current graduate admission procedures and to take any appropriate action.

IV RECOMMENDATIONS CONCERNING SOCIAL REGULATIONS

Accepting the principle that all members of the university community have the responsibility of formulating social regulations for the university community, we recommend:

A. That a permanent committee responsible to the University Assembly be established consisting of three faculty members, seven undergradutate students and two administrators, including a full time housing staff member, for the purpose of formulating overall undergraduate social regulations for the university and for reviewing any additional social restrictions deemed necessary and reasonable by the several collegiate units or their subdivisions.

B. That the social regulations of the various living units be collectively published periodically by the committee.

C. That the committee organize educational programs on social regulations and their enforcement each term. The primary purpose of these programs will be to strengthen the enforcement of social regulations by students.

D. That the committee establish a permanent liaison with the Council of the State University of New York at Binghamton, through a representative chosen by the committee who would attend relevant Council meetings and explain the position of the committee regarding the issues which fall in its jurisdiction.

E. That a permanent committee responsible to the University Assembly be established consisting of three faculty members, seven graduate students and two administrators, for the purpose of formulating overall graduate social regulations for the university and for reviewing any additional graduate social regulations deemed necessary and reasonable by the several collegiate units or their subdivisions.

V RECOMMENDATIONS CONCERNING UNIVERSITY PERSONNEL POLICY AND PROCEDURES

A. That there be student involvement on all committees that formulate policy on personnel procedures.

B. That the following be adopted with respect to faculty personnel procedures:

1. That there be elected by and from declared undergraduate majors and graduate students (as defined by the Graduate Council) in each department a Student Advisory Committee on Faculty Personnel, which shall be notified in advance of all faculty who are to be considered by

the Departmental Personnel Committee for promotion, tenure, renewal, or termination and which shall be provided with a summary of appropriate vitae (e.g., educational background, professional experience, community service, honors, etc.). The Student Advisory Committee shall advise the Departmental Personnel Committee on student opinion concerning the teaching effectiveness and student-teacher relationships of each faculty member under consideration. The statement provided by the Student Advisory Committee shall be made a part of the record and submitted by the Departmental Personnel Committee together with its recommendation to the Faculty Personnel Committee of the University Assembly. In all departments and programs where there are no declared majors, appropriate procedures will be established by the University Assembly.

2. That the University Assembly shall seek to institute systematic procedures for securing confidential student course and teacher evaluation for the use of individual instructors, departmental personnel committes, student advisory committees, and appropriate university officials. Such procedures shall be approved by the University Assembly before they shall be considered official university policy. (Nothing in the above recommendation shall prevent the administration, students, or academic departments from devising and administering course and teacher evaluations which suit their felt needs.)

3. That the Departmental Personnel procedures stipulated in the Faculty By-Laws shall remain in force. The Departmental Personnel Committee's recommendation (including the statement of the Student Advisory Committee) shall be forwarded

to the Faculty Personnel Committee, and to the Administration. In the event of any non-concurrence among the three recommending groups, the Faculty Personnel Committee shall seek to resolve differences through consultation with all parties concerned. If the differences can be resolved, the Faculty Personnel Committee shall submit the recommendations agreed upon to the President for his implementation. If the differences cannot be resolved, the Faculty Personnel Committee shall submit the case together with its own recommendations to the President for his implementation. If the President finds he cannot implement the decision of the Assembly Faculty Personnel Committee, he or his designee shall meet with the Committee to review the case.

C. That the University Assembly seek to initiate a confidential, systematic, triennial review procedure for making recommendations to the President, or where appropriate to the Chancellor, concerning the effectiveness of senior officers of administration.

VI RECOMMENDATIONS CONCERNING JUDICIARY BOARDS

A. That there shall be a Judiciary Committee of the University Assembly whose charge shall be to codify infractions and applicable minimum and maximum penalties, to provide procedures for the judicial system, and to detail all other aspects of the judicial process which require delineation.

B. That the University Assembly shall establish a disciplinary procedure for university social regulations, to be subject to the restrictions and procedures herein specified, as well as those that may be recommended by the Judiciary Committee and approved by the University Assembly.

C. That there be an integrated judicial system which will include three levels of judicial boards with initial jurisdiction and a final board with jurisdiction limited to the hearing of appeals.

That the lowest (sub-board) level be established within and by the appropriate collegiate boards with original jurisdiction limited to those minor infractions specified by these collegiate boards.

That graduate and residential college boards (and such others as may be suggested by the Judiciary Committee) be set up as boards of original jurisdiction and also appellate jurisdiction over decisions of their appropriate sub-boards.

That an All-University Board be established as a board of original jurisdiction and also appellate jurisdiction over decisions of the college, school or residental college boards.

That an All-University Appeals Board be established with appellate jurisdiction over decisions of the All-University Board.

D. That the highest board within the university judicial structure shall be called the All-University Appeals Board. It shall have no original jurisdiction and shall accept only appeals cases from the lower university-wide board. It shall be the final appellate board for students. Composition shall be two undergraduate students, one graduate student, three faculty members and one administrator.

The members of the board shall be appointed by the University Assembly.

E. That the lower university-wide board within the university judicial structure shall be called the All-University Board. It shall have original jurisdiction over violation of university-wide rules, when the infraction is not under the jurisdiction of a college board. It shall serve as the first appellate board for college boards. Composition shall

be two undergraduate students, one graduate student and three faculty members.

That the members of the board shall be appointed by the University Assembly.

F. That collegiate boards within the university judicial structure shall have appellate jurisdiction over sub-boards and original jurisdiction over all violations of collegiate regulations not covered by sub-board jurisdiction. Collegiate boards shall be composed of three students and two faculty members, to be selected in a manner to be determined by the collegiate council.

G. That the lowest boards shall be the collegiate sub-boards which may be set up by the collegiate boards. The jurisdiction and composition of a sub-board shall be determined by the collegiate board.

H. That procedures for the confidentiality of the central file of hearing records shall be determined by the Judiciary Committee, subject to the approval of the University Assembly.

I. That appeals, based on the board hearing record, shall be recognized only for new evidence not available at the previous hearing, procedural errors by the lower board, and arbitrary and capricious decisions concerning the guilt or innocence of the accused and the punishments involved, or decisions not supported by substantial evidence.

J. That in the event the President questions a decision of the board which is not being appealed by the accused, he shall send a request to the next higher board for review of the case and submission of recommendations concerning the case to him. Should he question a decision of the All-University Appeals Board, he is urged to send a request to the All-University Appeals Board for a written rationale for their decision, without referral to any other body. It is urged that the President seriously question reconsideration of this body's decisions.

K. That non-appellate cases brought before the All-University Board shall first be heard by a hearing officer. The hearing officer for this board shall be chosen by the board and cannot be a member of the board. Should this informal attempt at adjudication not be to the mutual satisfaction of the hearing officer and the accused, the hearing officer will automatically place the case on the All-University Board agenda.

That non-appellate cases brought before the collegiate boards shall first be heard by a hearing officer. The hearing officer for the collegiate board shall be chosen by the board and cannot be a member of the board. Should this informal attempt at adjudication not be to the mutual satisfaction of the hearing officer and the accused, the hearing officer will automatically place the case on the collegiate board agenda.

In no case shall a student serve as a hearing officer.

L. That the by-laws of all campus boards shall include the 10 guarantees of student's Rights and Freedom from the *Joint Statement on Student Rights and Freedom.* (see Supplementary Documents)

M. That the Judiciary Committee of the All-University Assembly shall be instructed to recommend, subject to approval of the All-University Assembly, such procedures as are appropriate for cases of academic dishonesty. In the event that it is determined that academic dishonesty shall be handled through Judicial Board procedures, it is the intent of the Committee on University Governance that the same judicial system as for social regulations shall be used.

VII RIGHTS AND OBLIGATIONS OF FACULTY, STUDENTS, AND ADMINISTRATORS

That the By-Laws of the University Assembly shall adhere to the principles in the AAUP Statement on Academic Freedom and Tenure, Statement of Procedural Standards in Faculty

Dismissal Proceedings, Statement on the Standards for Notice of Nonreappointment, Statement on Professional Ethics, Joint Statement on Rights and Freedoms of Students, and Statement on Government of Colleges and Universities. (see Supplementary Documents)

VIII RECOMMENDATIONS CONCERNING AMENDMENTS

It is the intent of the Committee on University Governance that amendment procedures involving basic changes in the overall structure of University Governance will require submission to the four constituencies for approval.

IX RECOMMENDATIONS CONCERNING IMPLEMENTATION

If the report of the Committee on University Governance is approved, the present Committee on University Governance will assume the responsibility of implementing the report. This Committee will either establish sub-committees of itself or appoint other committees to devise specific instruments of governance. These specific instruments will be approved first by the Committee on University Governance and then by each of the Constituencies in the same manner in which the original report on University Governance was approved. It is the sense of the Committee that these proposals be implemented at the earliest possible time and in any case not later than September, 1969.

In three years, this structure of University Governance will be reviewed, and a majority of each of the four constituencies, Undergraduate Students, Graduate Students, Faculty, and Administration, as defined in the CUG Report, must vote favorably if this university governance is to be continued.

In anticipation of the election, the Committee established the following procedures:

A. In conducting election on the acceptance of CUG, voting shall be by secret ballot; the constituencies shall be those prescribed by the Report of the Commission on the Establishment of University Governance; results of elections shall be reported to the Executive Committee of CUG which shall release the results from all constituencies at the same time; elections are to be conducted on or before April 7 and the results announced by noon of April 8; the President of USG, the Chairman of GSO, the Vice-Chairman of the Faculty Senate, and the President of SUNY-Binghamton or his designee shall each certify by 5:00 p.m. April 7 to the Executive Committee of CUG in a manner prescribed by the Executive Committee the results of the election in his contituency; and acceptance or rejection shall be by a majority of those voting Yes or No.

B. The question posed to each constituency on the question of accepting the CUG Report shall be identical and take the following form:

> Shall the Report of the Committee on University Governance dated February 13, 1969, as revised March 14, 1969, be approved and the Committee thereby charged with implementing the Report and writing specific instruments of government to be approved by each constituency by a majority of those voting? Yes___ No___.